



# House of Representatives

General Assembly

**File No. 618**

January Session, 2011

House Bill No. 6633

*House of Representatives, April 21, 2011*

The Committee on Judiciary reported through REP. FOX of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING STALKING.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-181c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) A person is guilty of stalking in the first degree when [he] such  
4 person commits stalking in the second degree as provided in section  
5 53a-181d, as amended by this act, and (1) [he] such person has  
6 previously been convicted of [this section or] a violation of section 53a-  
7 181d, as amended by this act, or section 53a-181e, as amended by this  
8 act, or (2) such conduct violates a court order in effect at the time of the  
9 offense, or (3) the other person is under [sixteen] thirteen years of age.

10 (b) Stalking in the first degree is a class [D] C felony.

11 Sec. 2. Section 53a-181d of the general statutes is repealed and the  
12 following is substituted in lieu thereof (*Effective October 1, 2011*):

13 (a) A person is guilty of stalking in the second degree when, with  
14 intent to cause another person to fear for [his] such other person's  
15 physical safety, [he] such person (1) wilfully and repeatedly follows or  
16 lies in wait for such other person and causes such other person to  
17 reasonably fear for his physical safety, or (2) being twenty-one years of  
18 age or older, repeatedly follows another person under sixteen years of  
19 age or engages in a course of conduct or repeatedly commits acts over  
20 a period of time intentionally placing or attempting to place such other  
21 person in reasonable fear of physical injury, serious physical injury or  
22 death.

23 (b) Stalking in the second degree is a class [A misdemeanor] D  
24 felony.

25 Sec. 3. Section 53a-181e of the general statutes is repealed and the  
26 following is substituted in lieu thereof (*Effective October 1, 2011*):

27 (a) A person is guilty of stalking in the third degree when [he  
28 recklessly causes another person to reasonably fear for his physical  
29 safety by wilfully and repeatedly following or lying in wait for such  
30 other person] such person intentionally and for no legitimate purpose  
31 engages in a course of conduct directed at a specific person and knows  
32 or reasonably should know that such conduct:

33 (1) Is likely to cause reasonable fear of material harm to the physical  
34 health, safety or property of such other person, a member of such other  
35 person's immediate family or a third person with whom such other  
36 person is acquainted;

37 (2) Places such other person at risk of material harm to the mental or  
38 emotional health of such other person, where such conduct consists of  
39 following, either in person or by means of an electronic device,  
40 initiating communication or contact with such other person, a member  
41 of such other person's immediate family or a third person with whom  
42 such other person is acquainted, and the actor was previously clearly  
43 informed to cease that conduct; or

44     (3) Is likely to cause such other person to reasonably fear that such  
45     other person's employment, business or career is threatened, where  
46     such conduct consists of appearing at, telephoning to or initiating  
47     communication or contact at such other person's place of employment  
48     or business, and the actor was previously clearly informed to cease  
49     such conduct.

50     (b) Stalking in the third degree is a class [B] A misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	53a-181c
Sec. 2	<i>October 1, 2011</i>	53a-181d
Sec. 3	<i>October 1, 2011</i>	53a-181e

**JUD**       *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 12 \$</b>	<b>FY 13 \$</b>
Judicial Dept.	GF - Potential Revenue Gain	7,500	10,000

Note: GF=General Fund

#### **Municipal Impact:** None

#### **Explanation**

The bill increases the penalties for stalking in the first, second and third degree, and will result in a revenue gain of less than \$10,000. The estimate assumes that the establishment of increased penalties for this offense will increase the likelihood that an estimated less than 10 offenders annually would be prosecuted and receive harsher penalties than under current law.<sup>1</sup>

It is anticipated that the number of additional offenders placed on probation would be less than 10, and would not result in additional resources being required by the Judicial Department. An additional 10 offenders placed on probation would represent a 0.02% increase to the total probation caseload.

#### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Judicial Department Offenses and Revenues Database

<sup>1</sup> In 2010, five convictions were made for stalking, totaling \$770 in fine revenue collected.

**OLR Bill Analysis****HB 6633*****AN ACT CONCERNING STALKING.*****SUMMARY:**

This bill expands the conduct covered by and increases the penalty for each of the three degrees of stalking crimes.

Currently, a person commits 3<sup>rd</sup>-degree stalking by recklessly causing another to reasonably fear for his or her physical safety by willfully and repeatedly following or lying in wait for the other person. The bill instead makes a person guilty of this crime if he or she, intentionally and for no “legitimate purpose,” engages in a course of conduct directed at a specific person and knows or reasonably should know that the conduct will or is likely to have a particular outcome. Table 1 shows the conduct and outcome.

**Table 1**

<b><i>Conduct</i></b>	<b><i>Outcome</i></b>
Any conduct	Likely to cause reasonable fear of material harm to the other person's physical health, safety, or property or that of an immediate family member or acquaintance
Following, in person or by an electronic device, or initiating communication or contact with the other person, a member of the person's immediate family, or an acquaintance after being clearly informed to cease	Places the other person at risk of material harm to his or her mental or emotional health
Appearing at, phoning, or initiating communication or contact at the person's place of employment or business after being clearly informed to cease	Likely to cause the person to reasonably fear that his or her employment, business, or career is threatened

The bill increases the penalty for 3<sup>rd</sup>-degree stalking to a class A misdemeanor (punishable by up to one year in prison, up to a \$2,000

fine, or both) from a class B misdemeanor (punishable by up to six months in prison, up to a \$1,000 fine, or both).

By law, a person commits 2<sup>nd</sup>-degree stalking by willfully and repeatedly following or lying in wait for someone with intent to cause the victim to fear for his or her physical safety and actually causes the victim to reasonably fear for his or her physical safety.

The bill expands this crime to cover someone age 21 or older who, with intent to cause another person to fear for his or her physical safety, repeatedly follows someone (apparently anyone) under age 16 or engages in a course of conduct that intentionally places or attempts to place the "other person" in reasonable fear of physical injury. It is unclear who must fear physical injury, the minor or the intended victim. The bill increases the penalty for 2<sup>nd</sup>-degree stalking from a class A misdemeanor to a class D felony (punishable by up to five years in prison, up to a \$5,000 fine, or both).

Under current law, a person commits 1<sup>st</sup>-degree stalking by committing 2<sup>nd</sup>-degree stalking under one of three circumstances: (1) the victim is under age 16, (2) he or she has a prior conviction for 2<sup>nd</sup>-degree stalking, or (3) he or she violated a court order. The bill changes the scope of this crime by: (1) expanding the activities that constitute 2<sup>nd</sup>-degree stalking; (2) lowering, from 16 to 13, the age of the victim; and (3) making offenders of 3<sup>rd</sup>-degree stalking subject to it.

It also increases the penalty for 1<sup>st</sup>-degree stalking from a class D to class C felony (punishable by up to 10 years in prison, a fine of up to \$10,000, or both).

EFFECTIVE DATE: October 1, 2011

## COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (04/05/2011)